# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

**FILE NUMBER: 23655** 

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Nueces

Center coordinates of site (latitude/longitude):

N27 39' 6.67" W97 22' 0.9"

Approximate size of area (parcel) reviewed, including uplands: 65 acres.

Name of nearest waterway: Cayo del Oso Name of watershed: Laguna Madre

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1/25/05

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.8 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.53 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [13] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER: 23655** 

Ordi	Extent of Jurisdiction: (Reference: 33 CFR parts nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		gh Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics
	n High Water Mark indicated by: urvey to available datum;	; 🛛 vegetation	n lines/changes in vegetation types.
Wetla Shine	and boundaries, as shown on the attached wetlan er Moseley and Associates	d delineation i	map and/or in a delineation report prepared by:
Unab Head The (	rice growing.  Artificial reflecting or swimming pools or othe by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel ur	poasis of 33 CFI at the following ponds or lagoc to upland if the gand/or diking and/or diking such purpose er small ornam water for primicidental to confiless and until ets the definition atterstate committees and until the stream of the s	R part 328.3(a)(3). g waters present on the site are not Waters of the ons, pursuant to 33 CFR part 328.3. he irrigation ceased. ng dry land to collect and es as stock watering, irrigation, settling basins, or mental bodies of water created harily aesthetic reasons. Instruction activity and pits excavated in dry land for the construction or excavation operation is ion of waters of the United States found at 33 CFR herce.
	Non-tidal drainage or irrigation ditches excava Other (explain):	ted on dry land	d. Explain rationale:
Maps, Data s Data s Corps U.S. O U.S. O U.S. O USDA Nation State/I FEMA 100-ye Aerial Other Advan Site vi Applic	WED FOR JURSIDICTIONAL DETERMINA, plans, plots or plat submitted by or on behalf of sheets prepared/submitted by or on behalf of the at his office concurs with the delineation report, dath and Associates his office does not concur with the delineation restricted from the sheets prepared by the Corps. In avigable waters' studies:  Geological Survey Hydrologic Atlas:  Geological Survey Hydrologic Atlas:  Geological Survey 7.5 Minute Topographic maps:  Geological Survey 7.5 Minute Historic quadrangle and Natural Resources Conservation Service Soil Standard Resources Conservation Service Soil Standard Wetlands inventory maps:  MFIRM maps (Map Name & Date):  Gear Floodplain Elevation is:  Photographs (Name & Date): GLO 2002, Lanmor photographs (Date): January 2004 and Identification Wetland maps:  Sit/determination conducted on:  Cable/supporting case law:  information (please specify):	the applicant. applicant. ted January 20 eport, dated  : Oso Creek N es: es: urvey: and Pita Island	004 and December 2004, prepared by (company): , prepared by (company):  TE, TX and Pita Island, TX  dd, TX

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 19313(02)

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	v	JEC	1 1			м	HAL.	v	NI V	1.7	····	11:

State:

Texas

County: Aransas Center coordinates of site (latitude/longitude):

N27 7' 48.86" W96 59' 23.5"

Approximate size of area (parcel) reviewed, including uplands: 0.25 acres.

Name of nearest waterway: Aransas Bay Name of watershed: Aransas Bay

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

1<u>~</u>4

Date: 01/27/2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq there appear to be \) (or) \( \subseteq there appear to be no \text{"waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.20 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# **BASIS OF JURISDICTIONAL DETERMINATION:**

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER:** 19313(02)

L		xtent of Jurisdiction: (Reference: 33 CFR parts 328	and 329)	
		nary High Water Mark indicated by:	High	n Tide Line indicated by:
		clear, natural line impressed on the bank		oil or scum line along shore objects
		the presence of litter and debris	Ø	fine shell or debris deposits (foreshore)
		changes in the character of soil	X	physical markings/characteristics
		destruction of terrestrial vegetation	Ø	tidal gages
	==	shelving	Ш	other:
		other:		
		High Water Mark indicated by:  1. Invey to available datum;	egetation	lines/changes in vegetation types.
M	_	and boundaries, as shown on the attached wetland deli		
		and southern on the attached western deli-		ap and of in a definication report prepared by: 14 w
В		Not Asserting Jurisdiction:		•
		eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 32	9(a)(1 2	om 4.7)
12		quarters declined to approve jurisdiction on the basis of		
3	The C	Corps has made a case-specific determination that the i	1 33 CFK	waters procent on the site are not Weters of the
		d States:	onowing	waters present on the site are not waters of the
		Waste treatment systems, including treatment ponds	or lagoo	ns nursuant to 33 CFR part 328 3
	Ħ	Artificially irrigated areas, which would revert to up	land if th	e irrigation ceased
	Ħ	Artificial lakes and ponds created by excavating and	or diking	dry land to collect and
	_	retain water and which are used exclusively for such	purposes	s as stock watering, irrigation, settling basins or
		rice growing.	r p	and the state of t
-		Artificial reflecting or swimming pools or other sma	ll orname	ental bodies of water created
		by excavating and/or diking dry land to retain water	for prima	arily aesthetic reasons.
		Water-filled depressions created in dry land incident	al to cons	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless a	ınd until t	he construction or excavation operation is
		abandoned and the resulting body of water meets the 328.3(a).	definitio	on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstat	te comme	erce.
		Prior converted cropland, as determined by the Natu		
		Non-tidal drainage or irrigation ditches excavated or	n dry land	l. Explain rationale:
		Other (explain):		
		WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the ap		call that apply):
		sheets prepared/submitted by or on behalf of the applic		
		his office concurs with the delineation report, dated		pared by (company):
		his office does not concur with the delineation report,		, prepared by (company):
		heets prepared by the Corps.	uuiva	, propuled by (company).
		' navigable waters' studies:		
	U.S. G	Geological Survey Hydrologic Atlas:		
Ţ		Geological Survey 7.5 Minute Topographic maps: Sain	t Charles	Bay, TX
27 (17		Geological Survey 7.5 Minute Historic quadrangles:		<b>-</b> ,
	U.S. G	Geological Survey 15 Minute Historic quadrangles:		
F. 7		Natural Resources Conservation Service Soil Survey	:	
3	Nation	nal wetlands inventory maps: Saint Charles Bay, TX		
	State/I	Local wetland inventory maps:		
0		VFIRM maps (Map Name & Date):		
i de la companya de l		ear Floodplain Elevation is: (NGVD)		
40		Photographs (Name & Date): GLO 2002		
		photographs (Date):		
ا شودان		ced Identification Wetland maps:		
\$ 7		sit/determination conducted on:		
- a/- vg.c		-1.1-/		
- Windows - Windows - Windows - Windows		cable/supporting case law: information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16930

DD(	TECT	LOCA	TION	INFORM	ATION.
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State:

Texas

County:

Hidalgo

Center coordinates of site (latitude/longitude):

N26 10' 13" W98 03' 07"

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Rio Grande

Site visit(s)

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 27 Jan 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

-	ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other: aerial & ground photography
	Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The second secon	S For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16927

#### PROJECT LOCATION INFORMATION:

State:

Texas

Hidalgo

County: Center coordinates of site (latitude/longitude):

N26 10' 58" W98 06' 44"

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Rio Grande

Name of watershed:

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 Jan 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: aerial & ground photography
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16929

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r	ĸ	v	J.L		L	J.	А	8 1	u	и		٦r	t I	ĸ	. IVI	А		w		:

State:

Texas

County:

Hidalgo Center coordinates of site (latitude/longitude):

N26 10' 13" W98 03' 07"

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Rio Grande

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 28 Jan 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

La <b>III</b>	Cordinary High Water Mark indicated by:   Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:   Clear the presence of litter and debris the presence of litter and debris the presence of litter and debris the physical markings/characteristics tidal gages other: aerial & ground photography
I.S.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles:  U.S

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

#### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16653

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29° 31' 42"N, 95° 01' 16"W

Approximate size of area (parcel) reviewed, including uplands: 57 acres

Name of nearest waterway: Jarbo Bayou

Name of watershed: Clear Creek/Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 10 January 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \text{ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ Impressed on the bank □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
2.0	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: League City, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic soil Survey: Galveston County, TX  National wetlands inventory maps: League City, TX  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): GIS Q3 FEMA Map  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): League City, TX DOQQ - 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-16831

PROJECT LOCATION INFORMATION	PRO	JECT	LOCA	TION	INFOR	MATION
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State:

Texas

County: Liberty

Center coordinates of site (latitude/longitude):

30-21-50 / 95-04-34

Approximate size of area (parcel) reviewed, including uplands: 0.025 acres.

Name of nearest waterway: Rees Bayou Name of watershed: Trinity River

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 31 January 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\precent{\precess}\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Extent of Jurisdiction: (Reference: 33 CFR par inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	### High Tide Line indicated by:    Oil or scum line along shore objects     fine shell or debris deposits (foreshore)     physical markings/characteristics     tidal gages     other:
	; ⊠ vegetation lines/changes in vegetation types.
land boundaries, as shown on the attached wetland	nd delineation map and/or in a delineation report prepared by:
ed States:  Waste treatment systems, including treatment Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavati retain water and which are used exclusively frice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no nexus to i	basis of 33 CFR part 328.3(a)(3).  at the following waters present on the site are not Waters of the  ponds or lagoons, pursuant to 33 CFR part 328.3.  It to upland if the irrigation ceased.  Ing and/or diking dry land to collect and  or such purposes as stock watering, irrigation, settling basins, or  the small ornamental bodies of water created  water for primarily aesthetic reasons.  Incidental to construction activity and pits excavated in dry land for  maless and until the construction or excavation operation is  etest the definition of waters of the United States found at 33 CFR
Non-tidal drainage or irrigation ditches excav Other (explain):	ated on dry land. Explain rationale:
EWED FOR JURSIDICTIONAL DETERMING, plans, plots or plat submitted by or on behalf of sheets prepared/submitted by or on behalf of the Chis office concurs with the delineation report, definis office does not concur with the delineation resheets prepared by the Corps.  Solved and the Corps.  Solved	f the applicant. applicant. ated , prepared by (company): eport, dated , prepared by (company): s: eles: es:
ii charle colore constant cons	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  a High Water Mark indicated by: urvey to available datum; physical markings and boundaries, as shown on the attached wetlar wedeted area consists entirely of uplands. Let confirm the presence of waters in 33 CFR quarters declined to approve jurisdiction on the Corps has made a case-specific determination that distates:  Waste treatment systems, including treatment Artificially irrigated areas, which would rever Artificial lakes and ponds created by excavatir retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land in the purpose of obtaining fill, sand, or gravel u abandoned and the resulting body of water me 328.3(a).  Isolated, intrastate wetland with no nexus to in Prior converted cropland, as determined by the Non-tidal drainage or irrigation ditches excavation of the concurs with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur with the delineation report, dashis office does not concur wi

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveson District

FILE NUMBER: D-16832

PROJECT LOCA	TION	INFO	RMA	TION:
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State:

Texas Polk

County:

Center coordinates of site (latitude/longitude):

31-07-31 / 94-49-02

Approximate size of area (parcel) reviewed, including uplands: 0.025 acres. Name of nearest waterway: Neches River

Name of watershed: Neches River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 31 January 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

La	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
2	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ verification with the desired control of the des	
Bas	rice growing.  Artificial reflecting or swimming pools or other sma by excavating and/or diking dry land to retain water Water-filled depressions created in dry land incident the purpose of obtaining fill, sand, or gravel unless a abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interstat	of 33 CFR part 328.3(a)(3).  following waters present on the site are not Waters of the sor lagoons, pursuant to 33 CFR part 328.3.  Jordian if the irrigation ceased.  Jor diking dry land to collect and a purposes as stock watering, irrigation, settling basins, or all ornamental bodies of water created for primarily aesthetic reasons.  Ital to construction activity and pits excavated in dry land for and until the construction or excavation operation is a definition of waters of the United States found at 33 CFR
	Non-tidal drainage or irrigation ditches excavated or Other (explain):	
	REVIEWED FOR JURSIDICTIONAL DETERMINATION  Maps, plans, plots or plat submitted by or on behalf of the applic   □ This office concurs with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not concur with the delineation report, dated  □ This office does not conc	oplicant. ant. , prepared by (company): dated , prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23641** 

PROJECT	LOCA	TION IND	ORMATION:
FRUJECT	LUCA	TION IN	'UKMA HUN:

State:

tx

harrsi

County:

Center coordinates of site (latitude/longitude):

Approximate UTM Coordinates in NAD 27 (meters): Zone 15;

Easting: 238797; Northing: 3291587.

Approximate size of area (parcel) reviewed, including uplands: .69 acres.

Name of nearest waterway: Buffulo Bayou

Name of watershed: Buffulo Bayou/Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 1/28/05

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .42.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23641

Entant of Indiadiation (Defense 22 OF		200	FILE NUMBER: 230
inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		High	Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
n High Water Mark indicated by: survey to available datum;   physical man	kings; 🗌 veget	ation l	lines/changes in vegetation types.
land boundaries, as shown on the attached CA	wetland delineat	ion m	ap and/or in a delineation report prepared by:
dquarters declined to approve jurisdiction of Corps has made a case-specific determination of States:  Waste treatment systems, including treat Artificially irrigated areas, which would Artificial lakes and ponds created by exerctain water and which are used exclusivation from the properties of swimming pools by excavating and/or diking dry land to Water-filled depressions created in dry I the purpose of obtaining fill, sand, or grabandoned and the resulting body of war 328.3(a).  Isolated, intrastate wetland with no nexular prior converted cropland, as determined	the basis of 33 on that the follo that the following and/or or other small or retain water for and incidental to the following the following the following that the following the following the following the following that the following the follo	agoon if the diking poses namer primar o const intil the inition	part 328.3(a)(3). waters present on the site are not Waters of the as, pursuant to 33 CFR part 328.3. c irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or intal bodies of water created rily aesthetic reasons. truction activity and pits excavated in dry land for the construction or excavation operation is a of waters of the United States found at 33 CFR arce. truces Conservation Service. Explain rationale:
Other (explain):  EWED FOR JURSIDICTIONAL DETERMS, plans, plots or plat submitted by or on behalf of this office concurs with the delineation reports office does not concur with the delinear sheets prepared by the Corps.  To avigable waters' studies:  Geological Survey Hydrologic Atlas:  Geological Survey 7.5 Minute Topographic Geological Survey 7.5 Minute Historic quad Geological Survey 15 Minute Historic quad A Natural Resources Conservation Service and wetlands inventory maps:  Local wetland inventory maps:  Local wetland inventory maps:	RMINATION (nalf of the applicant. ort, dated tion report, dated maps: drangles: rangles:	mark ant.	
i is is ribied	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  In High Water Mark indicated by: urvey to available datum; physical mar and boundaries, as shown on the attached of the coordinate of th	inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  In High Water Mark indicated by: urvey to available datum; physical markings; vegeta and boundaries, as shown on the attached wetland delineat CA  Not Asserting Jurisdiction: eviewed area consists entirely of uplands. Dele to confirm the presence of waters in 33 CFR part 328(a) quarters declined to approve jurisdiction on the basis of 33 Corps has made a case-specific determination that the follo ad States:  Waste treatment systems, including treatment ponds or I Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or or retain water and which are used exclusively for such pur rice growing.  Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for y Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting body of water meets the def 328.3(a). Isolated, intrastate wetland with no nexus to interstate co Prior converted cropland, as determined by the Natural R Non-tidal drainage or irrigation ditches excavated on dry Other (explain):  WED FOR JURSIDICTIONAL DETERMINATION (i, plans, plots or plat submitted by or on behalf of the applicant. his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur with the delineation report, dated his office does not concur wi	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  n High Water Mark indicated by: urvey to available datum; physical markings; vegetation and boundaries, as shown on the attached wetland delineation merch.  Not Asserting Jurisdiction: eviewed area consists entirely of uplands. Bet to confirm the presence of waters in 33 CFR part 328(a)(1, 2, quarters declined to approve jurisdiction on the basis of 33 CFR corps has made a case-specific determination that the following ed States:  Waste treatment systems, including treatment ponds or lagoon Artificially irrigated areas, which would revert to upland if the Artificial lakes and ponds created by excavating and/or diking retain water and which are used exclusively for such purposes rice growing.  Artificial reflecting or swimming pools or other small orname by excavating and/or diking dry land to retain water for primar Water-filled depressions created in dry land incidental to cons the purpose of obtaining fill, sand, or gravel unless and until it abandoned and the resulting body of water meets the definition 328.3(a).  Isolated, intrastate wetland with no nexus to interstate comment Prior converted cropland, as determined by the Natural Resour Non-tidal drainage or irrigation ditches excavated on dry land. Other (explain):  WED FOR JURSIDICTIONAL DETERMINATION (mark plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated the sprepared/submitted by or on behalf of the applicant. Secological Survey 7.5 Minute Historic quadrangles: Recological Survey 15 Minute Historic quadrangles: Recological Survey 7.5 Minute Historic quadrangles: Recological Survey 7.5 Minute Historic quadrangles: Recological Survey 15 Minute Historic quadrangles: Recol

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-13-001

	CT LOCATION INFORMATION:
	te: Texas
	unty: Polk nter coordinates of site (latitude/longitude): 30° 45' 36"N, 95° 03' 32"W (NAD27)
	proximate size of area (parcel) reviewed, including uplands: 0.46 acres.
Na	me of nearest waterway: Lake Livingston
	me of watershed: Lower Trinity
	DICTIONAL DETERMINATION
Co	mpleted: Desktop determination Date: 24 January 2005
	Site visit(s)  Date(s):
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \( \begin{aligned} \text{there appear to be (or)} \emptyset there appear to be no "waters of the content of the cont
MAGE	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).
-	
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	Check all that appry.
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with
	the reviewed area. Approximate size of jurisdictional area: 0.46 acres
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
	Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of
	Jurisdiction.
DACIC (	DE MIDIODICITIONAL DEPENDANT MYON
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":
A.	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
	The party of the property and the transport intercement of the gradual commerce.
<u>B.</u>	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
******	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
5.77 5.77 5.77	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed project is

located in Lake Livingston, which is a navigable water of the United States.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) SWG-05-13-001
亞	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other: Applicant supplied information
	other: Applicant supplied information, to the 131' elevation.
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	sis For Not Asserting Jurisdiction:
<u> </u>	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
20	Maps, plans, plots or plat submitted by or on behalf of the applicant.
8	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated prepared by (company):
********	This office does not concur with the delineation report, dated, prepared by (company):
	Data sheets prepared by the Corps.
Ī	Corps' navigable waters' studies:
22.	U.S. Geological Survey Hydrologic Atlas:
85	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
10 mg	U.S. Geological Survey 15 Minute Historic quadrangles:
<u></u>	USDA Natural Resources Conservation Service Soil Survey:
	National wetlands inventory maps:
- 00000 to 200 to 5	State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):
orderes - 1	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date):
	Other photographs (Date):
	Advanced Identification Wetland maps:
	Site visit/determination conducted on:
	Applicable/supporting case law:
	Other information (please specify):
	<b>A *</b>

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER:** 14114(05)/841

PR	റ	JE	CT	1.0	CA	TI	ON	INFO	RMA	TION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29-47-29N; 94-55-12W

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Cedar Bayou

Name of watershed:

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.50 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 14114(05)/841 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-07-003** 

PROJECT LOCATION INFORMAT
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State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

Site 1: Lat: 29.25.04 Long: 94.55.05

Site 1: Lat: 29.24.36 Long:

94.56.53

Approximate size of area (parcel) reviewed, including uplands: 2 acres.

Name of nearest waterway: Dollar Bay Name of watershed: Galveston Bay

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 January 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats. sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

    (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: SWG-05-07-003

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps:  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic soil Survey:  Vational wetlands inventory maps:  State/Local wetland inventory maps:  SEMA/FIRM maps (Map Name & Date):  O0-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  itie visit/determination conducted on:  Applicable/supporting case law:  Wher information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23642

#### PROJECT LOCATION INFORMATION:

State:

Texas

County:

**Jefferson** 

Center coordinates of site (latitude/longitude):

29-42-19N; 94-05-57

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Clam Lake Name of watershed: Gulf of Mexico

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 25 January 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) There appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23642

	al Extent of Jurisdiction: (Reference: 33 CFR par ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil  destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
		s; vegetation lines/changes in vegetation types.
Basis I Th Un Ho	For Not Asserting Jurisdiction: he reviewed area consists entirely of uplands. hable to confirm the presence of waters in 33 CFR eadquarters declined to approve jurisdiction on the he Corps has made a case-specific determination th nited States:  Waste treatment systems, including treatment Artificially irrigated areas, which would reve Artificial lakes and ponds created by excavat retain water and which are used exclusively f rice growing.  Artificial reflecting or swimming pools or oth by excavating and/or diking dry land to retain Water-filled depressions created in dry land i the purpose of obtaining fill, sand, or gravel u	basis of 33 CFR part 328.3(a)(3).  that the following waters present on the site are not Waters of the street production on the site are not Waters of the street ponds or lagoons, pursuant to 33 CFR part 328.3.  The ponds or lagoons, pursuant to 33 CFR part 328.3.  The purpose of the street part o
	Isolated, intrastate wetland with no nexus to i Prior converted cropland, as determined by th  Non-tidal drainage or irrigation ditches excav	he Natural Resources Conservation Service. Explain rationale:
Ma Da Da Da Co U.S U.S U.S Na Sta FE 100 Ae Ott Ad Site Ap	ATEWED FOR JURSIDICTIONAL DETERMING apps, plans, plots or plat submitted by or on behalf of the ata sheets prepared/submitted by or on behalf of the ata sheets prepared submitted by or on behalf of the ata sheets prepared by the delineation report, do at a sheets prepared by the Corps.  This office does not concur with the delineation report, do at a sheets prepared by the Corps.  This office does not concur with the delineation report, do at a sheets prepared by the Corps.  This office does not concur with the delineation report, do at a sheets prepared by the Corps.  The Cooling and Survey 1 the Corps.  The Cooling and Survey 1.5 Minute Topographic map and S. Geological Survey 1.5 Minute Historic quadrang and S. Geological Survey 1.5 Minu	of the applicant. e applicant. dated , prepared by (company): report, dated , prepared by (company):  ps: gles: gles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER:** D-15018(01)

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State:

**Texas** 

County:

Galveston Center coordinates of site (latitude/longitude):

Lat: 29.25.29 Long: 94.41.25

Approximate size of area (parcel) reviewed, including uplands: 0.048 acres.

Name of nearest waterway: Gulf of Mexico Name of watershed: East Galveston Bay

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 25 January 2005

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-15018(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify): D-15018

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG FILE NUMBER: 23654** 

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State:

Louisiana

County:

Cameron Parish

Center coordinates of site (latitude/longitude):

29-57-15N; 93-48-8W

Approximate size of area (parcel) reviewed, including uplands: 1 acres.

Name of nearest waterway: Sabine Lake Name of watershed:

Sabine Lake

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: January 12, 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**FILE NUMBER: 23654** 

7-4-4 - 6 T - 1 P 41	FILE NUMBER: 2	.36:
nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
n High Water Mark indicated by: urvey to available datum;	vegetation lines/changes in vegetation types.	
quarters declined to approve jurisdiction on the ba Corps has made a case-specific determination that ed States:  Waste treatment systems, including treatment propertially irrigated areas, which would revert the Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain water-filled depressions created in dry land incit the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interest the states.	usis of 33 CFR part 328.3(a)(3). The following waters present on the site are not Waters of the conds or lagoons, pursuant to 33 CFR part 328.3. To upland if the irrigation ceased. It is and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. It is idental to construction activity and pits excavated in dry land ess and until the construction or excavation operation is as the definition of waters of the United States found at 33 Character commerce.	or I foi
Non-tidal drainage or irrigation ditches excavate Other (explain):	ed on dry land. Explain rationale:	
plans, plots or plat submitted by or on behalf of the apsheets prepared/submitted by or on behalf of the apshis office concurs with the delineation report, date his office does not concur with the delineation reposteets prepared by the Corps.  'navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 7.5 Minute Historic quadrangles: A Natural Resources Conservation Service Soil Surval wetlands inventory maps: Local wetland inventory maps: Local wetland inventory maps: Local wetland inventory maps: Loral Floodplain Elevation is: Photographs (Name & Date): photographs (Date): local Identification Wetland maps: local Identification Conducted on: locable/supporting case law:	the applicant.  oplicant.  d , prepared by (company):  ort, dated , prepared by (company):  s:	
	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  a High Water Mark indicated by: physical markings; [and boundaries, as shown on the attached wetland boundaries, as shown on the attached wetland wetlet to confirm the presence of waters in 33 CFR paragraphic maps and boundaries, as shown on the attached wetland of the toconfirm the presence of waters in 33 CFR paragraphic maps and a case-specific determination that distates:  Waste treatment systems, including treatment properties of the purpose of the properties of the properties of the purpose of obtaining fill, sand, or gravel unleabandoned and the resulting body of water meet 328.3(a).  Isolated, intrastate wetland with no nexus to interprior converted cropland, as determined by the prior converted cropland in the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office does not concur with the delineation report, date as office as prepared by the Corps.  Anavigable waters' studies:  Anavigable waters' studies:	xitent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) array High Mater Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Water Mark indicated by: rurey to available datum;   physical markings;   vegetation lines/changes in vegetation types.  and boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  Not Asserting Jurisdiction: viewed area consists entirely of uplands. te to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  puarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). Torps has made a case-specific determination that the following waters present on the site are not Waters of the distates:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or fice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or fice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land incidental to construction activity and pits excavated in dry land incidental to construction of waters of the United States found at 33 Cf 328,3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  N

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16915

ΡR	OIF	CTI	OCA	TION	INFOD	MATION.

State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

UTM 15; 242667E; 3188330N

Approximate size of area (parcel) reviewed, including uplands: <0.01 acres.

Name of nearest waterway: Caney Creek Name of watershed: Caney Creek

# JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date:

Date(s): 24 January 2005

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq \text{there appear to be no "waters of the appear to be no"} \) United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <0.01 ac.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <0.01 ac.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Extent of Jurisdiction: (Reference: 33 CFR parts 3 dinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	328 and 329)  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	an High Water Mark indicated by: survey to available datum;  physical markings; [	✓ vegetation lines/changes in vegetation types.  delineation map and/or in a delineation report prepared by:
The Una Hea The	ited States:  Waste treatment systems, including treatment p Artificially irrigated areas, which would revert to Artificial lakes and ponds created by excavating retain water and which are used exclusively for rice growing.  Artificial reflecting or swimming pools or other by excavating and/or diking dry land to retain w Water-filled depressions created in dry land ince the purpose of obtaining fill, sand, or gravel unl abandoned and the resulting body of water meet 328.3(a). Isolated, intrastate wetland with no nexus to into	sis of 33 CFR part 328.3(a)(3). the following waters present on the site are not Waters of the onds or lagoons, pursuant to 33 CFR part 328.3. to upland if the irrigation ceased. It is analysis and/or diking dry land to collect and such purposes as stock watering, irrigation, settling basins, or small ornamental bodies of water created vater for primarily aesthetic reasons. It is idental to construction activity and pits excavated in dry land for ess and until the construction or excavation operation is the definition of waters of the United States found at 33 CFR erstate commerce.  Natural Resources Conservation Service. Explain rationale:
DATA REVIDENCE MAINTENANCE MAI	Other (explain):  IEWED FOR JURSIDICTIONAL DETERMINA ps, plans, plots or plat submitted by or on behalf of the a sheets prepared/submitted by or on behalf of the a This office concurs with the delineation report, date This office does not concur with the delineation rep a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Geological Survey 15 Minute Historic quadrangles Geological Survey 15 Minute Historic quadrangles DA Natural Resources Conservation Service Soil Su ional wetlands inventory maps: te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): l-year Floodplain Elevation is: (NGVD) ial Photographs (Name & Date): 1995 DOQQ ter photographs (Date): provided by the applicant vanced Identification Wetland maps: e visit/determination conducted on: 24 January 2005 plicable/supporting case law: ter information (please specify):	ATION (mark all that apply): the applicant. pplicant. ed , prepared by (company): bort, dated , prepared by (company): es: es: Es: Sargent, Texas

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER:** 13093(02)

# PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center coordinates of site (latitude/longitude):

29° 23' 08" N, 94° 46' 04" W

Approximate size of area (parcel) reviewed, including uplands: 0.64 acres.

Name of nearest waterway: Gulf Intracoastal Waterway

Name of watershed:

Huc Code:12040202, East Galveston Bay

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10 January 2005

Date(s): 17 December 2004

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \precedef{D} \) there appear to be (or) \( \precedef{D} \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 13093(02)

	FILE 1401/1DER. 15095(02)
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
Z.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
a.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Bolivar Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 17 December 2004  Applicable/supporting case law:
	Applicable/supporting case law: Other information (please specify): DA Permit 13093 and 13093(01).

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<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23582

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center coordinates of site (latitude/longitude):

29° 02' 39" N, 95° 39' 19" W

Approximate size of area (parcel) reviewed, including uplands: 1.03 acres.

Name of nearest waterway: San Bernard River

Name of watershed: Huc Code:12090402, East Matagorda Bay

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)

Date: 24 January 2005

Date(s):

## Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.02 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 23582

	Ordinary High Water Mark indicated by:  I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by:  High Tide Line indicated by:  Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Sweeny Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Sweeny Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology). <sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

FILE NUMBER: 23623 & SWG-04-13-019

### PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria Center coordinates of site (latitude/longitude):

UTM 15 240875E; 3189118N

Approximate size of area (parcel) reviewed, including uplands: <1 acres.

Name of nearest waterway: Caney Creek Name of watershed: Caney Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 13 Dec 2004

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear the limit the limit there appear the limit the limit the limit the limit there appear the limit the li United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 500 sq. ft.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Canry Creek is navigable in this reach

FILE NUMBER: 23623 & SWG-04-13-019

Lat	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  High Tide Line indicated	hv:
182	clear, natural line impressed on the bank oil or scum line alor	
	the presence of litter and debris fine shell or debris	
	changes in the character of soil physical markings/c	haracteristics
	destruction of terrestrial vegetation tidal gages	
	shelving other:	
	other:	
<u>si</u>	<ul> <li>Mean High Water Mark indicated by:</li> <li>         □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation.</li> </ul>	etation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation	ation report prepared by:
Bas	Basis For Not Asserting Jurisdiction:	
<u> </u>	The reviewed area consists entirely of uplands.	
20	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the	site are not Waters of the
	United States:	site are not waters of the
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CF	R part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect a	
	retain water and which are used exclusively for such purposes as stock watering, in rice growing.	rigation, settling basins, or
	Artificial reflecting or swimming pools or other small ornamental bodies of water	created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons	) <u>.</u>
	Water-filled depressions created in dry land incidental to construction activity and	pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or ex abandoned and the resulting body of water meets the definition of waters of the Un 328.3(a).	
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Se	rvice. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	Other (explain):	
DATA R	A REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):	
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated , prepared by (company):	
	This office does not concur with the delineation report, dated , prepared by (com	ipany):
35	Data sheets prepared by the Corps.	• • • • • • • • • • • • • • • • • • • •
	Corps' navigable waters' studies:	
100 100 100	U.S. Geological Survey Hydrologic Atlas:	
<u></u>	U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles:	
30	U.S. Geological Survey 15 Minute Historic quadrangles:	
20	USDA Natural Resources Conservation Service Soil Survey:	
P194 2.67	National wetlands inventory maps:	
	State/Local wetland inventory maps:	
	FEMA/FIRM maps (Map Name & Date):	
5000 5000	100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):	
Signal Signal Signal	Other photographs (Date):	
535	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-16719

A ALLE IV	CMBER. B-10/17		
Sta Co Cer Ap Na	unty: Galveston nter coordinates of site (I proximate size of area (p me of nearest waterway:	latitude/longitude): parcel) reviewed, includ	29 29' 56" N, 95 12' 45" W (NAD27) uding uplands: 3 acres.
	pictional determination Desktop determination Site visit(s)		Date: Date(s): 16 December 2004
Jur	isdictional Determinat	ion (JD):	
	Preliminary JD - Based United States" and/or ' (Reference 33 CFR par	"navigable waters of th	ation, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An app Check all that apply:	proved JD is an appeala	lable action (Reference 33 CFR part 331).
	There are "navigab the reviewed area. App	ole waters of the United proximate size of juriso	d States" (as defined by 33 CFR part 329 and associated guidance) within sdictional area:
	There are "waters or reviewed area. Approx	of the United States" (a kimate size of jurisdicti	(as defined by 33 CFR part 328 and associated guidance) within the tional area: 0.02 acre.
	De	d, non-navigable, intra- cision supported by SV risdiction.	a-state waters or wetlands" within the reviewed area.  WANCC/Migratory Bird Rule Information Sheet for Determination of N
BASIS ( A.	The presence of waters	that are subject to the	N: "navigable waters of the United States": e bb and flow of the tide and/or are presently used, or have been used in asport interstate or foreign commerce.
B. 🖸	(1) The presence of wai interstate or foreign con (2) The presence of into (3) The presence of oth sandflats, wetlands, slo destruction of which co (i) which are or co (ii) from which fish	ters, which are currently mmerce, including all werstate waters including all waters such as intraspughs, prairie potholes, ould affect interstate could be used by interstate or shellfish are or could	a) as "waters of the United States": tly used, or were used in the past, or may be susceptible to use in waters which are subject to the ebb and flow of the tide. ng interstate wetlands <sup>1</sup> . astate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or commerce including any such waters (check all that apply): ate or foreign travelers for recreational or other purposes. build be taken and sold in interstate or foreign commerce. strial purposes by industries in interstate commerce.

(4) Impoundments of waters outlet wise definite

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Chigger Creek is a tributary to Clear Creek, which is a navigable water of the United States.

FILE NUMBER: D-16719

eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 21 December 2004, prepared by (company): SWCA  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Algoa, Friendswood  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey: Galveston County Soil Survey  National wetlands inventory maps: Algoa (digital1992 photos)  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Friendswood 22 September 1999  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 Algoa DOQQ; Houston Galveston Area Council 2002  Other photographs (Date): Site Photos submitted on 11 October 2004; Site photographs taken 16 December 2004  Advanced Identification Wetland maps:  Site visit/determination conducted on: 16 December 2004  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG FILE NUMBER: D-16727

#### PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 29° 04' 11" N, 95° 47' 06" W Approximate size of area (parcel) reviewed, including uplands: 3.18 acres.

Name of nearest waterway: Linneville Bayou

Name of watershed: Austin-Oyster

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 18 January 2005
Date(s): 20 January 2005

Inriediction	al Determina	tion (ID)

Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16727

Late	Paral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:
然 n. · · · · · · · · · · · · · · · · · ·	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	S For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATA R	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Ashwood, Texas Quadrangle  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 3 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

**FILE NUMBER: 23636** 

	PR	OJE	CT:	LOCA	TION	INFO	)RM	TION:
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State:

Texas

County: Polk

Center coordinates of site (latitude/longitude):

30-44-42.1773 / 95-4-11.0449

Approximate size of area (parcel) reviewed, including uplands: 0.037 acres.

Name of nearest waterway: Lake Livingston

Name of watershed:

**Trinity River** 

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: January 27, 2005

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square there appear to be \) (or) \( \subseteq \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.037 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23636

	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   rdinary High Water Mark indicated by:
	ean High Water Mark indicated by:  Survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
W	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Th Un He Th	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Da Da Co U.3 U.3 U.4 U.5 U.5 V.6 V.6 V.7	IEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  the specific plants of plat submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office concurs with the delineation report, dated prepared by (company):  This office does not concurs with the delineation report, dated prepared by (company):  This office does not concurs with the delineation report,

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

### JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16828

### PROJECT LOCATION INFORMATION:

State:

Texas

Gonzales

County: Center coordinates of site (latitude/longitude):

Lat: 29-41-9.7417

Long: 97-17-32.488

Approximate size of area (parcel) reviewed, including uplands: 9 acres.

Name of nearest waterway: Baldridge Creek Name of watershed: Middle Guadalupe

Site visit(s)

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 28 January 2005

Date(s):

### Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  $\square$  there appear to be (or)  $\square$  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16828

	Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)   Indicated by:   High Tide Line indicated by:   oil or scum line along shore objects   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   changes in the character of soil   physical markings/characteristics   tidal gages   shelving   other:
	ean High Water Mark indicated by: survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
	etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: erg-Oliver Associates and Gulf Coast Engineering and Surveying
Th Un He Market	Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Ma Da Da Da Co U.S U.S U.S Na Sta FE Otl Ad	TEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  ups, plans, plots or plat submitted by or on behalf of the applicant.  ta sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  ta sheets prepared by the Corps.  This office does not concur with the delineation report, dated prepared by (company):  ta sheets prepared by the Corps.  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation.  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation.  This office does not company:  This office does not concur with the delineation.  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation.  This office does not concur with the delineation report, dated prepared by (company):  This office does not company.  This office does not concur with the delineation report, dated p

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

CT OFFICE: CESWG  UMBER: I-4480  CT LOCATION INFORMATION:  Te: Texas  Inty: Orange  Iter coordinates of site (latitude/longitude): 30° 02' 47"N, 93° 50' 15"W  Proximate size of area (parcel) reviewed, including uplands: 1277 linear ft.  The of nearest waterway: Stone Burner Ditch  The of watershed: Neches River
ICTIONAL DETERMINATION  npleted: Desktop determination Date: 1/28/05  Site visit(s) Date(s):
isdictional Determination (JD):
Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:1.01-ac
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Neches River a navigable water of the United States.

FILI	E NIIN	IBER:	I-4480
rili		IDEA:	1-4401

Lat	Cordinary High Water Mark indicated by:
5	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States.  Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): See Report  Other photographs (Date): See report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): ATF application and mitigation plan

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJECT State Con Cer App Nar	te: unty: nter coordi proximate ne of near	TEXAS Orange inates of si size of are est waterv	ay: Big Mar	ongitude): viewed, includi	30° 03' ng uplands: _'	11"N, 9: 7180 linear	3° 50' 39"W ft.	
Nar	ne of wate	ershed: No	ches River					
			RMINATION determination (s)		Date: Date(s):	1/28/05		
Jur	isdictiona	l Determi	nation (JD):					
\$ 7 ***	United S	tates" and	ased on avail for "navigable part 331).	able information waters of the	on, [] there ap United States	opear to be on the proj	(or) there appear to be no "waters of the ject site. A preliminary JD is not appealable	; e
13		d JD – An l that appl		is an appealab	le action (Ref	erence 33 C	FR part 331).	
	There the review	e are "navi wed area.	gable waters Approximate	of the United S size of jurisdic	States" (as def ctional area:	ined by 33 ( 7.41-ac_	CFR part 329 and associated guidance) with	in
	There reviewed	are "wate area. Ap	ers of the Uni proximate siz	ted States" (as	defined by 33 nal area:	3 CFR part 3	328 and associated guidance) within the	
	There	are "isolo	ated, non-nav Decision sup Jurisdiction.	igable, intra-si oported by SW	tate waters or ANCC/Migrat	wetlands" w ory Bird Ru	vithin the reviewed area. tle Information Sheet for Determination of I	No
A.	Waters of The prese	l <mark>efined un</mark> ence of wa	der 33 CFR ters that are s	MINATION: part 329 as "nubject to the ebor use to transp	b and flow of	the tide and	United States": Nor are presently used, or have been used in ommerce.	ı
	(1) The p interstate (2) The p (3) The p sandflats, destruction (i) w (ii) fi (iii) v (4) Impou (5) The p	resence of or foreign resence of resence of wetlands, on of which hich are or rom which which are undments of resence of	waters, whice commerce, interstate waters other waters sloughs, prain a could affect recould be used fish or shell for could be used fish waters other	ncluding all waters including is such as intrastatic potholes, we interstate comed by interstate fish are or coulesed for industric rwise defined a water identification.	used, or were aters which are interstate wetl ate lakes, river et meadows, merce includi or foreign tra d be taken and al purposes by as waters of th	used in the e subject to ands.  rs, streams (playa lakes, ng any such velers for red sold in intervindustries at US.	past, or may be susceptible to use in the ebb and flow of the tide.  including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes. erstate or foreign commerce. in interstate commerce.	
Ž	(7) The p	resence of	wetlands adj	acent <sup>2</sup> to other	waters of the	US, except f	for those wetlands adjacent to other wetland	ls.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Neches River a navigable water of the United States.

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I-4512

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
, **** <u>*</u>	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u> </u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States.  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Hother Hydrologic Atlas:  U.S. Geological Survey 15 Minute Historic service Soil Survey:  Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): See Report  Other photographs (Date): See report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): ATF application and mitigation plan

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N PROJE Sta Coo Cer App Nar	CT OFFICE: CESWG UMBER: I-4509 CT LOCATION INFORMATION: te: Texas inty: Orange ter coordinates of site (latitude/longitude): 30° 03' 57"N, 93° 45' 32"W proximate size of area (parcel) reviewed, including uplands: _1,403 linear ft. the of nearest waterway: Dupont Ditch the of watershed: Adams Bayou
	DICTIONAL DETERMINATION  npleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \( \sum_{\text{there appear to be (or)}} \sum_{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
5%	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:1.12-ac
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate commerce.
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Adams Bayou River a navigable water of the United States.

FILE NUMBER:

I-4509

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   changes in the character of soil   physical markings/characteristics   destruction of terrestrial vegetation   destruction of terrestrial vegetation   other:
	Mean High Water Mark indicated by:  survey to available datum; physical markings; vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States.  Other (explain):
. The .	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): See Report  Other photographs (Date): See report  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): ATF application and mitigation plan

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16932

### PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29-47-23.6228

Long: 94-59-50.7148

Approximate size of area (parcel) reviewed, including uplands: 92 acres.

Name of nearest waterway: Goose Creek Name of watershed: North Galveston Bay

#### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s)



Date: 26 January 2005

Date(s): 28 December 2004

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \subseteq \subseteq \text{there appear to be no "waters of the preliminary JD - Based on available information, \( \subseteq \subset United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16932

	ceral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by:   oil or scum line along shore objects   fine shell or debris deposits (foreshore)   physical markings/characteristics   tidal gages   other:
<b>E</b>	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vege  Wetland boundaries, as shown on the attached wetland delinear	
Bas	the purpose of obtaining fill, sand, or gravel unless and	3 CFR part 328.3(a)(3). owing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. Indiff the irrigation ceased. It diking dry land to collect and urposes as stock watering, irrigation, settling basins, or commental bodies of water created in primarily aesthetic reasons. It to construction activity and pits excavated in dry land for lantil the construction or excavation operation is effinition of waters of the United States found at 33 CFR commerce.
	Non-tidal drainage or irrigation ditches excavated on do Other (explain):	ry land. Explain rationale:
	REVIEWED FOR JURSIDICTIONAL DETERMINATION Maps, plans, plots or plat submitted by or on behalf of the appl Data sheets prepared/submitted by or on behalf of the applican This office concurs with the delineation report, dated 16 Ju This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mont I U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. As Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps:	licant. t. uly 2004, prepared by (company): ted , prepared by (company): Belvieu, Tex. Photorevised 1969; Highlands, Tex. 1982
48201C0	FEMA/FIRM maps (Map Name & Date): Harris County, Texa 0765J dated 6 November 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 28 December 2004 Applicable/supporting case law: Other information (please specify):	s; Panel 48201C0/45K dated 20 April 2000 and Panel

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE N	CT OFFIC UMBER: CT LOCA		CESWG I-4508 FORMATIO	N:					
Stat		Texas							
Cou	ınty:	Orange							
App Nan	proximate s	ize of are	ay: School H	ewed, includir	30° 05' ng uplands: _4	33"N, 94 1162 linear f	.° 00' 55"\ t.	W	
JURISD	ICTIONA	L DETE	RMINATIO	<b>v</b>					
	npleted:		letermination		Date: Date(s):	1/26/05			
Jur	isdictional	Determi	nation (JD):						
	United St	ates" and/	sed on availa or "navigable part 331).	ble information waters of the	n, [] there ap United States'	opear to be (o	or)  there a cect site. A pre	ppear to be n eliminary JD	o "waters of the is not appealable
5. A	Approved Check all			is an appealabl	le action (Ref	erence 33 CF	'R part 331).		
	There the review	<i>are</i> "navi ved area.	gable waters o Approximate	of the United S size of jurisdic	tates" (as defectional area:	ined by 33 C	FR part 329 a 	nd associated	guidance) within
	There reviewed	<i>are</i> "wate area. App	rs of the Unit roximate size	ed States" (as of jurisdiction	defined by 33 nal area:3.	35 ac	28 and associa	ated guidance	e) within the
	There	are "isold	nted, non-navi Decision sup Jurisdiction.	gable, intra-stoported by SWA	ate waters or ANCC/Migrat	wetlands" wi ory Bird Rul	thin the revie e Information	wed area. Sheet for De	etermination of No
BASIS O	F JURISI	DICTION	AL DETER	MINATION:					
A.	Waters de The presen	efined un	der 33 CFR   ers that are su	oart 329 as "n	b and flow of	the tide and/	or are present	: tly used, or h	ave been used in
В.	Waters de	efined un	der 33 CFR ı	oart 328.3(a) s	s "waters of	the United S	States":		
	(1) The printerstate of	esence of or foreign	waters, which commerce, ir	are currently icluding all wa ers including i	used, or were ters which ar	used in the person and in the person in the subject to the subject	oast, or may b		
e e car	(3) The pr sandflats, destruction (i) wh (ii) fr	esence of wetlands, n of which nich are on om which	other waters s sloughs, prain could affect could be use fish or shellf	such as intrasta- rie potholes, winterstate coming d by interstate ish are or could ed for industria	ate lakes, river et meadows, p merce includi or foreign tra d be taken and	rs, streams (in playa lakes, on ng any such velers for rec I sold in inter	or natural pon waters (check creational or o estate or forei	ds, the use, description distributed that apply their purposes gn commerce	egradation or y): s.
	<ul><li>(4) Impout</li><li>(5) The pr</li><li>(6) The pr</li></ul>	ndments of esence of esence of	f waters other a tributary to territorial sea	rwise defined a a water identif s.	as waters of the ied in (1) – (4	e US. ) above.			to other wetlands.
	. ,							J 1	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to the Neches River a navigable water of the United States.

FILE NUMBER:

I-4508

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by:  High Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation
	shelving other:
	other:
	Mean High Water Mark indicated by:
_	☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
L. F. Ch	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:
1,000	The reviewed area consists entirely of uplands.
224.44	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
3.5	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with
	no direct connection to a water of the United States.
	Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):
	This office does not concur with the delineation report, dated, prepared by (company):
	Data sheets prepared by the Corps.
,	Corps' navigable waters' studies:
1980	U.S. Geological Survey Hydrologic Atlas:
<u> </u>	U.S. Geological Survey 7.5 Minute Topographic maps:
	U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles:
w.32	USDA Natural Resources Conservation Service Soil Survey:
77. 27. 40.	National wetlands inventory maps:
ingen.	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): See Report Other photographs (Date): See report
200	Advanced Identification Wetland maps:
	Site visit/determination conducted on: See report
2001-647-0 (00-7-10)	Applicable/supporting case law:
	Other information (please specify): ATF application and mitigation plan

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	ICT OFFICE: UMBER:	CESWG I-4511				
Sta Cor Cer App Nar	unty: Orange nter coordinates of si	ite (latitude/longitude): ea (parcel) reviewed, inc vay: Cow Bayou		' <b>54"N, 93° 47'</b> 4338 ft.	43"W	
	mpleted: Desktop Site visit	determination	Date: Date(s):	1/26/05		
Jur	isdictional Determi	ination (JD):				
£	Preliminary JD - B United States" and (Reference 33 CFR	or "navigable waters of	nation, [] there of the United States	appear to be (or) to the project site.	here appear to be no "waters of A preliminary JD is not appeal	the able
*	Approved JD – An Check all that apply	approved JD is an appeay:	alable action (Re	ference 33 CFR part 3	331).	
		igable waters of the Unit Approximate size of jur			329 and associated guidance) v	vithin
		ers of the United States" proximate size of jurisdi			associated guidance) within the	
	There are "isol	ated, non-navigable, into Decision supported by Jurisdiction.			reviewed area. nation Sheet for Determination	of No
	Waters defined un The presence of wa	NAL DETERMINATION of the state of the subject to the susceptible for use to train the susceptible for use	s "navigable wa e ebb and flow o	f the tide and/or are p	resently used, or have been use	d in
B.	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands, destruction of whic (i) which are o (ii) from which (iii) which are (4) Impoundments (5) The presence of (6) The presence of	n commerce, including a f interstate waters includ f other waters such as int, sloughs, prairie pothole th could affect interstate or could be used by inters in fish or shellfish are or or could be used for ind of waters otherwise defin f a tributary to a water id f territorial seas.	intly used, or wer ill waters which a ing interstate wet rastate lakes, rive is, wet meadows, commerce include tate or foreign tr could be taken ar ustrial purposes to the das waters of entified in (1) – (	e used in the past, or a re subject to the ebb a lands.  ers, streams (including playa lakes, or naturating any such waters (avelers for recreational sold in interstate or by industries in interstate US.  4) above.	may be susceptible to use in and flow of the tide.  g intermittent streams), mudflated ponds, the use, degradation of the check all that apply): all or other purposes. foreign commerce.	r

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Impacted area is a tributary to Patillo Bayou a tributary to Cow Bayou a navigable water of the United States.

FILE	NU	MB	ER:
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I-4511

La	Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank   miles and debris   miles and debris deposits (foreshore)   miles and debris debris deposits (foreshore)   miles and debris deposits (foreshore)   miles and debris deposits (foreshore)   miles and debris debris debris deposits (foreshore)   miles and debris debri
Event.	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch with no direct connection to a water of the United States.  Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFF FILE NUMBER		CESWG D-5679/01							
PROJECT LOC State: County:	ATION IN Texas Liberty	FORMATION:							
Center coord Approximate	linates of sine size of are rest waterw	te (latitude/longito a (parcel) reviewe ay: Trinity River nity River	d, includ		' 22"N, ' N/A	94° 48	' 02"W		
JURISDICTION	AL DETE	RMINATION							
Completed:	Desktop ( Site visit)	determination (s)	*	Date: Date(s):	1/26/05				
Jurisdiction	al Determi	nation (JD):				•			
United S	nary JD - Ba States" and/ nce 33 CFR	ased on available or "navigable wat part 331).	information ers of the	on, D there of United States	appear to b s" on the pr	e (or) ☐ roject site	there appea c. A prelimi	ar to be no "wate inary JD is not ap	rs of the pealable
	ed JD – An ll that apply	approved JD is ar	appealat	ole action (Re	ference 33	CFR par	t 331).		
Ther	re are "navi ewed area.	gable waters of th Approximate size	e United i	States" (as de ictional area:	fined by 33	CFR pa	rt 329 and a	ssociated guidan	ce) within
Ther reviewed	e <i>are</i> "wate d area. App	rs of the United S proximate size of j	tates" (as	s defined by 3 onal area:	3 CFR par	t 328 and	associated	guidance) within	the
<b>Ther</b>	4, n4	nted, non-navigab Decision support Jurisdiction.	le, intra-s ed by SW	tate waters or ANCC/Migra	wetlands" atory Bird I	within the	ne reviewed rmation She	area. eet for Determina	tion of No
The pres	defined un ence of wat	AL DETERMIN der 33 CFR part ers that are subject susceptible for use	329 as "et to the el	<b>navigable wa</b> bb and flow o	f the tide a	nd/or are	presently u	sed, or have beer	ı used in
(1) The printerstate	presence of e or foreign	der 33 CFR part waters, which are commerce, includinterstate waters	currently ling all w	used, or wer aters which a	e used in the re subject t	ne past, or	r may be su		n
(3) The part sandflats destructi (i) variation (ii) (ii)	presence of s, wetlands, on of which which are or from which	other waters such sloughs, prairie po could affect intercould be used by fish or shellfish a could be used for could be used f	as intrast otholes, v rstate con interstate are or cou	tate lakes, rive wet meadows, nmerce include or foreign tra ld be taken an	ers, streams playa lake ling any sucavelers for d sold in ir	s, or natu ch waters recreatio nterstate o	ral ponds, to check all nal or other or foreign co	he use, degradation that apply): purposes. ommerce.	
(5) The p (6) The p	oresence of oresence of	of waters otherwis a tributary to a waterritorial seas. wetlands adjacent	ater identi	fied in (1) – (	4) above.	t for thos	e wetlands	adjacent to other	wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-5679/01

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	329) High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ĭ	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ veget:	ation lines/changes in vegetation types.
W.F.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follo United States:  Waste treatment systems, including treatment ponds or I Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such pur rice growing.  Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting body of water meets the def 328.3(a).  Isolated, intrastate wetland with no nexus to interstate comprise prior converted cropland, as determined by the Natural Foundation of the United States.  Other (explain):	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. If the irrigation ceased. diking dry land to collect and rposes as stock watering, irrigation, settling basins, or mamental bodies of water created primarily aesthetic reasons. Construction activity and pits excavated in dry land for until the construction or excavation operation is inition of waters of the United States found at 33 CFR commerce. Resources Conservation Service. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant.    Maps, plans, plots or plat submitted by or on behalf of the applicant.   This office concurs with the delineation report, dated   This office does not concur with the delineation report, date   This office does not concur with the delineation report, date   Data sheets prepared by the Corps.   Corps' navigable waters' studies:   U.S. Geological Survey Hydrologic Atlas:   U.S. Geological Survey 7.5 Minute Topographic maps:   U.S. Geological Survey 7.5 Minute Historic quadrangles:   U.S. Geological Survey 15 Minute Historic quadrangles:   U.S. Geological Survey 16 Minute Historic quadrangles:   U.S. Geological Survey 17 Minute Historic quadrangles:   U.S. Geological Survey 18 Minute Historic quadrangles:   U.S. Geological Survey 19 Minute Historic quadrangles:   U.S.	cant

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